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| APPLICATION NO.  | FILING DATE                           | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|---------------------------------------|----------------------|---------------------|------------------|
| 10/748,442   | 12/29/2003                            | Bennett Cookson JR.  | 019404-001400       | 2385             |
|  | 7590 02/06/2007<br>AND TOWNSEND AND ( | EXAMINER             |                     |                  |
| TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834 |                                       |                      | CABUCOS, MARIE G    |                  |
|  |                                       |                      | ART UNIT            | PAPER NUMBER     |
|  |                                       |                      | 2163                |                  |
| SHORTENED STATUTORY  | Y PERIOD OF RESPONSE                  | MAIL DATE            | DELIVER             | Y MODE           |
| 3 MON  | NTHS                                  | 02/06/2007           | PAPER               |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|  |  | Application No.   | Applicant(s)  |  |  |  |
|--|--|---|---|--|--|--|
| Office Action Summary  |  | 10/748,442  | COOKSON ET AL.  |  |  |  |
|  |  | Examiner  | Art Unit  |  |  |  |
|  |  | Marie Antoinette Cabucos  | 2163  |  |  |  |
| Period fo  | The MAILING DATE of this communication a<br>r Reply  | appears on the cover sheet with   | h the correspondence address  |  |  |  |
| WHIC<br>- Exten<br>after:<br>- If NO<br>- Failui<br>Any re   | ORTENED STATUTORY PERIOD FOR REF<br>HEVER IS LONGER, FROM THE MAILING<br>sicions of time may be available under the provisions of 37 CFR<br>SIX (6) MONTHS from the mailing date of this communication.<br>period for reply is specified above, the maximum statutory perion<br>to to reply within the set or extended period for reply will, by state<br>eply received by the Office later than three months after the main<br>and patent term adjustment. See 37 CFR 1.704(b). | DATE OF THIS COMMUNIC, 1.136(a). In no event, however, may a reposed will apply and will expire SIX (6) MONTE tute, cause the application to become ABA | ATION.  bly be timely filed  HS from the mailing date of this communication.  NDONED (35 U.S.C. § 133). |  |  |  |
| Status   |  | •   |   |  |  |  |
| 1)⊠  | Responsive to communication(s) filed on 12   | 2/29/2003 & amendment filed 1   | 11/21/2006.   |  |  |  |
| · · ·  | This action is <b>FINAL</b> . 2b) \( \times \) This action is non-final.   |   |   |  |  |  |
| 3) 🗌   | · · · · · · · · · · · · · · · · · · ·  |   |   |  |  |  |
|  | closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  |   |   |  |  |  |
| Dispositi  | on of Claims   |   |   |  |  |  |
| 4)⊠ Claim(s) <u>1-19</u> is/are pending in the application.  |  |   |   |  |  |  |
|  | 4a) Of the above claim(s) is/are withdrawn from consideration.   |   |   |  |  |  |
| 5) Claim(s) is/are allowed.  |  |   |   |  |  |  |
| 6)🖂  | 6)⊠ Claim(s) <u>1-19</u> is/are rejected.  |   |   |  |  |  |
| 7)   | 7) Claim(s) is/are objected to.  |   |   |  |  |  |
| 8) Claim(s) are subject to restriction and/or election requirement.  |  |   |   |  |  |  |
| Applicati  | on Papers  |   |   |  |  |  |
| 9) The specification is objected to by the Examiner.   |  |   |   |  |  |  |
| 10)⊠ The drawing(s) filed on <u>12/29/2003 and 11/21/2006</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.       |  |   |   |  |  |  |
| Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).                      |  |   |   |  |  |  |
| Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).     |  |   |   |  |  |  |
| 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.                 |  |   |   |  |  |  |
| Priority u   | nder 35 U.S.C. § 119   |   |   |  |  |  |
| 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: |  |   |   |  |  |  |
| 1. Certified copies of the priority documents have been received.  |  |   |   |  |  |  |
|  | 2. Certified copies of the priority documents have been received in Application No   |   |   |  |  |  |
| 3. Copies of the certified copies of the priority documents have been received in this National Stage                        |  |   |   |  |  |  |
| application from the International Bureau (PCT Rule 17.2(a)).  |  |   |   |  |  |  |
| * See the attached detailed Office action for a list of the certified copies not received.                                   |  |   |   |  |  |  |
|  |  |   |   |  |  |  |
| Attachment   | (s)  |   |   |  |  |  |
| 1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413)  |  |   |   |  |  |  |
| 3) 🔲 Inform  | e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO/SB/08) r No(s)/Mail Date   |   | /Mail Date<br>formal Patent Application<br>_  |  |  |  |

#### **DETAILED ACTION**

### Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 2. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Alan Eaton (US Publication no. 2004/0083226).

Regarding claims 1, 10 and 11, Eaton discloses a system for creating a family tree, comprising the method of receiving a request from a user to return a file comprising the family tree (figure 2, paragraph 0041); use a plurality of primary source records to construct the family tree based on the request, wherein the records indicate multiple alternatives for at least one person of the family tree, and wherein the records comprise correlated records having been subjected to one of an individual correlation process and a relationship correlation process to thereby determine a likelihood that two or more of the records represent the at least one person paragraphs 0007-0008, 0037-0038); send a file comprising the family tree to the user, wherein the file comprises the alternatives (paragraph 0049).

3. Regarding claims 2, 3, 12 and 13, Eaton discloses a system for creating a family tree, wherein an alternative results from a difference relating to a selection from the

group consisting of spelling, place, date, event, relationship, ancestor, spouse, and children; and wherein the processor is further programmed to provide an opportunity for the user to select among the alternatives (paragraphs 0036-0038, 0049-0050).

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- 4. Regarding claims 4-6 and 14-16, Eaton discloses a system for creating a family tree, wherein the processor is further programmed to receive a selection from among the alternatives from the user, store the selection, use the selection to revise the family tree; and send a file comprising the revised family tree to the user; wherein the processor is further programmed to use the selection to provide an alternative to another user; and wherein the processor is further programmed to thereafter receive a non-contemporaneous request from the user to view the family tree; use the stored selection to construct the family tree; and send a file comprising the family tree to the user, wherein the family tree comprises the revised family tree (paragraphs 0041-0043, 0049-0051).
- Regarding claims 7-9 and 17-19, Eaton discloses a system for creating a family tree, wherein the processor is further programmed to receive additional genealogy data that creates new alternatives in the family tree; and notify the user of the new alternatives; wherein in being programmed to notify the user of the new alternatives, the processor is further programmed to send the user an email; and wherein in being programmed to notify the user of the new alternatives the processor is further programmed to send the user a file comprising the family tree, wherein the file includes a new alternatives symbol (paragraphs 0036, 0041, 0053-0054).

## Response to Arguments

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

#### Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prior art of record to Richard VanderDrift (US Patent no. 5,455,945) discloses a system and method for dynamically displaying, entering and updating data form a database.

Prior art of record to Morgan et al (US Patent no. 6,523,041) discloses a data linking system and method using tokens.

Prior art of record to Jenkins et al (US Patent no. 6,658,412) discloses a compute-based method and system for linking records in data files.

Prior art of record to Kent W. Huff (US Patent no. 6,760,731) discloses a genealogy registry system.

Prior art of record to Hermansen et al (US Patent no. 6,963,871) discloses a system and method for adaptive multi-cultural searching ad matching of personal names.

Prior art of record to Notargiacomo et al (US Publication no. 2003/0014422) discloses a method and system for building a family tree.

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Prior art of record to Morgan, Jr et al (US Publication no. 2003/0135512) discloses a data linking system and method using encoded links.

Prior art of record to Tebbs et al (US Publication no. 2005/0114364) discloses a method and apparatus for processing genealogical data.

Prior art of record to Ripps et al (US Publication no. 2005/0116954) discloses a method and system for generating a family tree.

## Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie Antoinette Cabucos whose telephone number is 571-272-8582. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K. Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marie Antoinette Cabucos Examiner Art Unit 2163

DON WONG

TECHNOLOGY CENTER 100

Application No.: 10/748,442
Applicant: Bennett Cookson, Jr., et al.
Title: PROVIDING ALTERNATIVES WITHIN A FAMILY TREE SYSTEMS
AND METHODS
Replacement Sheet 1 of 24

OX to enter MAC 1/22/2007

